

ceded by the State legislature, reserving the right to serve process thereon, no process issuing out of a State court upon a judgment lien to which the land was subject at the time of the sale can affect the title thereto.⁴

41. Exercise by State of legislative authority incompatible with exclusive jurisdiction of United States.—Reservation by a State of the right to enforce any of its own laws within a ceded area would be incompatible with the exclusive jurisdiction of the United States because exclusive jurisdiction comprehends exclusive legislative authority.⁵ An Iowa statute, after ceding jurisdiction to the United States over lands purchased for the purposes therein enumerated, provided that “nothing in this act shall be so construed as to prevent, on such lands * * * the courts of this State from exercising jurisdiction of crimes committed thereon”. In commenting on this statute, the Attorney General of the United States said, “This reservation is * * * altogether inconsistent with any possible construction of that ‘exclusive’ jurisdiction which, according to the letter and intent of the constitution, are in such cases to be vested in the United States. It is not sufficient that persons and property on such ceded sites shall be exempt from the legislative authority of the State, in the matter of civil acts performed within or upon such sites. It is still more necessary that acts performed thereon, and alleged to be criminal, shall be saved from the criminal authority of the state.”⁶

42. Reservations permissible in consent-to-purchase statutes.—It was the original view of the courts that reservations or conditions purporting to limit the jurisdiction of the United States were permissible only in State statutes expressly ceding jurisdiction, and that such reservations or conditions were ineffective when attached to statutes consenting to the purchase of lands by the United States in terms of Art. I, Sec. 8, Cl. 17 of the Constitution. In *Fort Leavenworth Railroad Co. v. Lowe*⁷ the Court said, “It may well be doubted whether Congress is by the terms of the Constitution, at liberty to purchase lands for forts, dockyards, etc., with the consent of the State Legislature, where such consent is so qualified that it will not justify the exclusive legislation of Congress there. It may well be doubted if such consent be not utterly void”. However, this view no longer obtains; on the contrary, it is now recognized that such reservations and conditions may accompany consent-to-purchase statutes as well as statutes expressly ceding jurisdiction. In the *Dravo* case,⁸ the Court said, “Clause 17 contains no express stipulation that the consent of the State must be without reservations. We think

⁴ *Martin v. House*, 39 Fed. 694 (Ark.).

⁵ See section 9.

⁶ 8 Atty. Gen. 418.

⁷ 114 U. S. 525.

⁸ *James v. Dravo Contracting Co.*, 302 U. S. 134, 148; discussed in 39 Atty. Gen. 285.